

Application Serial No. 10/045,340
Art Group Unit 2833**REMARKS****A. Introductory Remarks**

Applicants respectfully submit the instant Amendment After Final in response the Final Office Action mailed 29 April 2003. Applicants respectfully submit said Amendment more than one-month in advance of the expiration of the three-month shortened statutory period for response set forth in said Final Office Action (i.e., in advance of 30 June 2003). Applicants respectfully request reconsideration of the above-identified application.

In the Final Office Action pending claims 40-44 were rejected.

In this Amendment After Final independent claims 40 and 44 are amended. Thus, following entry of the instant Amendment, claims 41, 42 and 43 are amended only due to the fact that rely upon amended independent claim 40.

In addition, technically "new" claims 45-79 are herein presented; however, the Examiner is asked to consider that said claims 45-79 are essentially claims 1-35 (renumbered as 45-79) that were cancelled (without comment) in the just-prior amendment by a colleague of the undersigned, Girma Wolde-Michael. Applicants assert that the prior cancellation of claims 1-35 occurred through inadvertence and respectfully suggest that the single reference relied upon by the Examiner, U.S. Pat. No. 6,059,601 issued to Hirai et al. ("Hirai"), essentially represents non-analogous prior art. That is, Hirai purportedly discloses an improved apparatus for *temporarily connecting* a mass termination connector wherein said apparatus has a reduced connector thickness. The present invention (as originally claimed, and, more particularly, as amended herein) does not contemplate any of the structure or methods of objects allegedly addressed by Hirai. Indeed, the presently claimed invention relates

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to the field of implantable medical devices and, more particularly, to improved methods and apparatus for sealingly and permanently coupling a plurality of elongated conductors to an implantable medical device.

Thus, claims 40-79 are herein presented for entry and examination on the merits. Favorable consideration of said amended claims is earnestly solicited so that same may pass to timely issuance as U.S. Letters Patent.

Applicants aver that the amendments contained herein inherently do not raise additional issues or require the Examiner to conduct an additional prior art search (i.e., the subject matter addressed by the claims were expressly the subject of prior art search(es) by the Examiner following the election of claims 1-35). The amendments herein were not susceptible of being earlier presented because (i) the undersigned just received responsibility for the present application and (ii) the claims were pending only for the initial Office Action. Applicants respectfully suggest that upon entry of the present amendment the application will be in condition for allowance and/or better condition for appeal.

Applicants appeal to the Examiner to withdraw the finality of the present Office Action so that prosecution on the merits continues for the invention claimed herein.

B. The Rejection of the Claims and Applicant's Response

With respect to claims 40-44, independent claims 40 and 44 are amended herein to distinguish claims 40-43 from Hirai and to distinguish claim 44 from the combination of Hirai and Hawkins et al. (U.S. Pat. No. 6,029,089). The remarks regarding Hirai herein are incorporated as if fully set forth herein. As for the Hawkins et al. reference, it

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purportedly deals with temporary coupling of a medical electrical lead and a concomitant set of sealing rings surrounding the axial circumference thereof.

Applicants assert that Hawkins et al., like Hirai, also represents non-analogous prior art in that it addresses a completely different issue than that addressed by the present

invention. For the above and foregoing reasons Applicants urge the Examiner to withdraw the rejection founded in Hirai and Hawkins et al. so that the invention claimed by amended claims 40-44 may pass to timely issuance as U.S. Letters Patent.

The original claims 1-35 (now 45-79) were rejected as being either anticipated by or obvious in view of Hirai. In addition, various claims were objected to or rejected based upon certain informalities and lack of antecedent basis for various terms.

Upon entry of this Amendment After Final, Applicants respectfully suggest that the various informalities have been addressed herein and said informalities (as previously applied to pending claims) are now rendered moot.

The rejections grounded in anticipation (35 U.S.C. §102(b)) and obviousness (35 U.S.C. §103(a)) previously posed for claims 1-35 have been fully addressed via the present amendment for the re-numbered claims 45-79. Applicants hereby incorporate the above-stated introductory comments with respect to Hirai. That is, as a single prior art reference Hirai is wholly inadequate renders the presently claimed invention neither anticipated nor obvious. As applicable, without limitation or disclaimer Applicants herein amend (or re-present) all claims with limitations in the context of apparatus and methods for use in conjunction with implantable medical devices – since such limitation was a material element of most every claim previously examined. However, to the extent that the Examiner has not to date established a *prima facie* case of obviousness

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(although based on prior art relating in general to electronic components) Applicants reserve the right to present during subsequent examination, reexamination or reissue proceedings such generic claims as Applicants are entitled to given all such prior art.

C. Conclusion

Applicant submits that the pending claims are patentably distinct over the cited Hirai and Hawkins et al. references, as both have been applied singly and in combination, and that all claims are in condition for allowance. Accordingly, Applicants requests that a Notice of Allowance be issued in due course.

Respectfully submitted,

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